

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

July 27, 2009

TO: Internal File

THRU: Steve Christensen, Lead *SKC*

FROM: Ingrid Wieser, Environmental Scientist II *WW*

RE: Midterm Permit Review, Canyon Fuel Company LLC, Soldier Canyon Mine, C/007/0018, Task # 3306

SUMMARY:

The Soldier Canyon Mine went into temporary cessation in 1999 after notifying the Division on June 18, 1999. The mine portals are sealed and most of the equipment has been removed from the surface facilities.

The Division notified Canyon Fuel Company of the commencement of the midterm review for Soldier Canyon Mine on June 4, 2009. The following items were reviewed during the midterm evaluation:

- 1) A review of the mine plan to ensure that the requirements of all permit conditions, division orders, notice of violation abatement plans, and Permittee initiated plan changes are appropriately incorporated into the mine plan document.
- 2) A review to ensure that the mine plan has been updated to reflect changes in the Utah Coal Regulatory Program that have occurred subsequent to permit approval (example: compliance with U.S. Fish and Wildlife Department - Colorado River Endangered Fish Recovery Program).
- 3) A review of the applicable portions of the permit to ensure that the mine plan contains commitments for application of the best technology currently available (BTCA) to prevent additional contributions of suspended solids to stream flows outside of the permit area.

- 4) An AVS check to insure that Ownership and Control information is current and correct, verify compliance status of unabated enforcement actions, determine status of any outstanding finalized penalties, and verify that there are no demonstrated patterns of violation.
- 5) A review of the bond to ensure that it is in order and that the cost estimate is accurate and is escalated to the appropriate current-year dollars.
- 6) A review of the mining and reclamation plan for compliance with operator commitments related to variances or special permit conditions (including but not limited to subsidence control/monitoring plans and reporting requirements, variances to AOC, experimental practices, electronic database water monitoring reporting, raptor surveys, revegetation test plots, etc.).
- 7) The Division may conduct a technical site visit, in conjunction with the assigned compliance inspector, to document the status and effectiveness of operational, reclamation, and contemporaneous reclamation practices.

A site visit was conducted on July 21, 2009.

No deficiencies were found in the biology, land use or cultural resource sections of the MRP during this midterm review. The midterm is recommended for approval.

TECHNICAL ANALYSIS:

ENVIRONMENTAL RESOURCE INFORMATION

Regulatory Reference: Pub. L 95-87 Sections 507(b), 508(a), and 516(b); 30 CFR 783., et. al.

HISTORIC AND ARCHEOLOGICAL RESOURCE INFORMATION

Regulatory Reference: 30 CFR 783.12; R645-301-411.

Analysis:

Cultural and historic resource information is found on page 4-7 in the land use section of volume 1 of the MRP. The only anticipated impacts to cultural resources would be from subsidence. The mine is currently in cessation and there are no commitments related to cultural resources at this time.

Findings:

The information provided is considered adequate to meet the minimum regulatory requirements for this section.

VEGETATION RESOURCE INFORMATION

Regulatory Reference: 30 CFR 783.19; R645-301-320.

Analysis:

The vegetation resource information is found in the biology section of volume one. The vegetation communities that existed in the permit area prior to disturbance include: Saltbush/greasewood, Pinyon/ Juniper woodland, Mountain mahogany/Oak scrub, Great basin big sagebrush, and Douglas fir forest.

Findings:

The information provided is adequate to meet the minimum regulatory requirements for this section.

TECHNICAL MEMO

FISH AND WILDLIFE RESOURCE INFORMATION

Regulatory Reference: 30 CFR 784.21; R645-301-322.

Analysis:

Fish and wildlife information is located in the biology section of volume one and in appendix 3-D and 3-G.

Findings:

LAND-USE RESOURCE INFORMATION

Regulatory Reference: 30 CFR 783.22; R645-301-411.

Analysis:

The land use section is located in volume one of the approved mining and reclamation plan. Land uses in and adjacent to the permit area include industrial, agricultural, environmental and recreations uses. The postmining land use for the mine is rangeland, wildlife habitat and recreation.

Findings:

The information provided is considered adequate to meet the minimum regulatory requirements for this section.

OPERATION PLAN

VEGETATION

Regulatory Reference: R645-301-330, -301-331, -301-332.

Analysis:

Temporary stabilization of surface areas after construction was accomplished to provide interim stabilization. Final revegetation of surface disturbances will occur once the mine has permanently shut down.

Findings:

The information provided is considered adequate to meet the minimum regulatory requirements for this section.

MINING OPERATIONS AND FACILITIES

Regulatory Reference: 30 CFR 784.2, 784.11; R645-301-231, -301-526, -301-528.

Analysis:

A site visit was conducted on July 21, 2009. The mine has been in cessation since June of 1999. The surface facility contains relatively little remaining equipment and a few structures. There are no other surface disturbances such as degas wells in the permit area. There currently have been no initiations of final reclamation of surface facilities.

Findings:

The information is adequate to meet the minimum regulatory requirements for this section.

FISH AND WILDLIFE INFORMATION

Regulatory Reference: 30 CFR Sec. 784.21, 817.97; R645-301-322, -301-333, -301-342, -301-358.

Analysis:

Endangered and Threatened Species

Endangered species that could potentially exist within or adjacent to the permit area include black footed ferret, bald eagle, and peregrine falcon.

Sensitive plant species, *Hedysarum occidentale* var. *canone* has been noted within the permit area and the permittee was required to survey for the plant. These results are located in appendix 3-A.

TECHNICAL MEMO

Water consumption within the Colorado River Basin is considered by the USFWS to adversely affect endangered fish within the Colorado River basin. The Soldier Canyon Mine has been in cessation since 1999 and is currently consuming 0 acre/feet of water.

Protection and Enhancement Plan

Critical months during the breeding season of certain animals were avoided when conducting blasting and major earthwork. An education program was initiated in conjunction with the MSHA training to minimize negative impacts to wildlife from employees.

Bald and Golden Eagles

DWR conducted raptor surveys prior to the permit approval in the spring of 1991. These results are located in appendix 3-D-1. If mining was to be conducted during the months of April through July and subsidence was anticipated, the permittee committed to conducting a nesting survey to determine if raptors could be affected.

Wetlands and Habitats of Unusually High Value for Fish and Wildlife

Some critical winter range for deer and elk exist within the permit area. Exclusionary periods were adhered to during major surface disturbances.

Findings:

The information is considered adequate to meet the minimum regulatory requirements for this section.

RECLAMATION PLAN

GENERAL REQUIREMENTS

Regulatory Reference: PL 95-87 Sec. 515 and 516; 30 CFR Sec. 784.13, 784.14, 784.15, 784.16, 784.17, 784.18, 784.19, 784.20, 784.21, 784.22, 784.23, 784.24, 784.25, 784.26; R645-301-231, -301-233, -301-322, -301-323, -301-331, -301-333, -301-341, -301-342, -301-411, -301-412, -301-422, -301-512, -301-513, -301-521, -301-522, -301-525, -301-526, -301-527, -301-528, -301-529, -301-531, -301-533, -301-534, -301-536, -301-537, -301-542, -301-623, -301-624, -301-625, -301-626, -301-631, -301-632, -301-731, -301-723, -301-724, -301-725, -301-726, -301-728, -301-729, -301-731, -301-732, -301-733, -301-746, -301-764, -301-830.

Analysis:

Canyon Fuel Company established three field trial sites to monitor the effectiveness of the proposed reclamation plan. The field test monitoring was discontinued in 1993, 94 and 97. Data from the field trial monitoring is located in tables 3.412 and illustration 3-1.

Findings:

The information provided is adequate to meet the minimum regulatory requirements for this section.

PROTECTION OF FISH, WILDLIFE, AND RELATED ENVIRONMENTAL VALUES

Regulatory Reference: 30 CFR Sec. 817.97; R645-301-333, -301-342, -301-358.

Analysis:

The Soldier Canyon Mine permit was renewed effective February 3, 2007. There were no special permit conditions regarding fish and wildlife. There are currently no surface disturbances or operations occurring at the mine.

Findings:

The information provided is adequate to meet the minimum regulatory requirements for this section.

RECOMMENDATIONS:

The midterm review should be approved.